

**304.9-054 Pharmacy benefit manager license application review and license issuance -- Disciplinary actions concerning license -- Administrative regulations -- Fees.**

- (1) Upon receipt of a completed application, evidence of financial responsibility, and fee, the commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with this section and KRS 304.9-053.
- (2) The commissioner may require additional information or submissions from applicants and may obtain any documents or information reasonably necessary to verify the information contained in the application.
- (3) The commissioner may suspend, revoke, or refuse to issue or renew any license in accordance with KRS 304.9-440.
- (4) The commissioner may make determinations on the length of suspension for an applicant, not to exceed twenty-four (24) months. However, the licensee may have the alternative, subject to the approval of the commissioner, to pay in lieu of part or all of the days of any suspension period a sum of one thousand dollars (\$1,000) per day not to exceed two hundred fifty thousand dollars (\$250,000).
- (5) If the commissioner's denial or revocation is sustained after a hearing in accordance with KRS Chapter 13B, an applicant may make a new application not earlier than one (1) full year after the date on which a denial or revocation was sustained.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement and enforce the provisions of this section and KRS 205.647, 304.9-053, 304.9-055, and 304.17A-162. The administrative regulations shall specify the contents of the application form and any other form or report required.
- (7) The department may impose a fee upon pharmacy benefit managers in addition to a license fee to cover the costs of implementation and enforcement of this section and KRS 205.647, 304.9-053, 304.9-055, and 304.17A-162, including fees to cover the cost of:
  - (a) Salaries and benefits paid to the personnel of the department engaged in the enforcement;
  - (b) Reasonable technology costs related to the enforcement process. Technology costs shall include the actual cost of software and hardware utilized in the enforcement process and the cost of training personnel in the proper use of the software or hardware; and
  - (c) Reasonable education and training costs incurred by the state to maintain the proficiency and competence of the enforcing personnel.

**Effective:** July 15, 2016

**History:** Created 2016 Ky. Acts ch. 79, sec. 3, effective July 15, 2016.